

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 264-175

C# M#

FISCHER

TC/A.U.

3641

Serial No. 09/825,354

Examiner: D. Matz

Filed: April 4, 2001

Date: February 12, 2004

Title: MIXED-MODE ELECTRONIC COMMERCE METHOD FOR PROCESSING ONLINE ORDERS



3641 \$

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
FEB 20 2004  
GROUP 3600

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☒ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 28 minus highest number  
previously paid for 28 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 5 minus highest number  
previously paid for 5 (at least 3) = 0 x \$ 86.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$290.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months) \$ 110.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

**Subtotal \$ 110.00**

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

**TOTAL FEE ENCLOSED \$ 110.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.  
By Atty: Joseph S. Presta, Reg. No. 35,329

Signature: 



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

FISCHER

Atty. Ref.: 264-175

Appl. No. 09/825,354

TC/A.U. 3641

Filed: April 4, 2001

Examiner: D. Matz

For: MIXED-MODE ELECTRONIC COMMERCE METHOD FOR PROCESSING  
ONLINE ORDERS

02/17/2004 HALI11 00000069 09825354 \* \* \* \* \*

01 FC:1251 110.00 OP

February 12, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RECEIVED**

**FEB 20 2004**

**GROUP 3600**

**AMENDMENT**

This Response is responsive to the Official Action dated October 28, 2004 (for which petition is hereby made for a one month extension of time). In view of the remarks herein, favorable reconsideration and allowance of this application are respectfully requested. Claims 1-28 are pending for further examination.

Claims 1-14 and 22-28 have been rejected under 35 USC 102(b) as being anticipated by Gardner. In addition, claims 15-21 have been rejected under 35 USC 103(a) as being obvious over Gardner in view of Shane. For at least the following reasons, Applicant respectfully submits that the pending claims are not anticipated or

rendered obvious by the cited prior art. Thus, reconsideration and withdrawal of the rejections are respectfully requested.

Gardner does not teach or suggest the invention defined in any of the pending claims. For example, Gardner fails to teach or suggest the feature of approving a previously sent order using a real-time connection with a vendor, as specifically defined in each of the independent claims of this application. The Examiner has cited Fig. 2, step 54 and column 4, lines 32-48 in Gardner as allegedly disclosing this feature. However, as can be seen in Fig. 2, the purchase order in Gardner is sent to the vendor (step 78) only after the authorizations have been acquired (step 54). Gardner is directed to a system for simplifying the internal approval process that companies perform prior to authorizing a purchase order to be issued to a vendor. In contrast, the invention defined in the independent claims of this application, relate to sending an unapproved order to a vendor prior to confirming and authorizing the order. The order is then made available to the purchaser by the vendor through a real-time connection so that the user can approve the order.

In view of the above, Gardner fails to teach or suggest each and every element in any of the independent claims in this application, as required for anticipation under Section 102. Moreover, Shane is simply directed to direct mail methods with interactive response and personalized web pages. Thus, Shane fails to make up for the deficiencies of Gardner relative to the claimed invention.

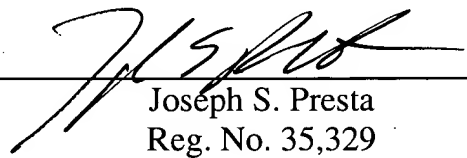
FISCHER  
Appl. No. 09/825,354  
February 12, 2004

For at least the forgoing reasons, Applicant respectfully submits that the pending claims are allowable over the prior art of record. Thus, withdrawal of the rejections and passage of this case to issuance at an early date are earnestly solicited.

Should the Examiner have any questions, or deem that any further issues need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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